

# COMMITTEE AMENDMENT FORM

DATE: 7/16/08

COMMITTEE      ZONING      PAGE NUM. (S)

ORDINANCE I. D. #08-O-0297      SECTION (S)

RESOLUTION I. D. #08-R-      PARA.

AMENDS THE LEGISLATION BY ADDING TWELVE (12) CONDITIONS

AMENDMENT DONE BY COUNCIL STAFF 7/16/08

### **Approved Conditions for Z-08-13**

No on premise Dry Cleaners, except that pick-up/drop-off facilities only are permitted.

No on premise photo finishers, except that pick-up/drop-off facilities only are permitted.

No use of EIFS anywhere.

No on street vending machines

No sandwich board signs and no signs that would obstruct the public right of way.

Newspaper or weekly paper distribution should be inside the building only.

No sale of beer, wine or liquor may be sold by the package for consumption off-premises. A wine specialty shop, as that term is defined in the City of Atlanta Alcoholic Beverage Ordinance, Section 10-1, is a permitted use.

Designated deliveries must access the property from Ormewood Avenue and must occur between the hours of 7:00am and 4:00 PM.

No Doctors Offices, Medical Facilities, or Veterinary Facilities permitted.

Sidewalk dining would be permitted.

Prior to the filing of a Special Administrative Permit Application, a copy of the complete application, including full size plans, must be delivered to the NPU-W Zoning Contact. The name and relevant contact information of the Zoning Contact is to be obtained from the Bureau of Planning.

In the event the Applicant is required to make additional filings or provide any additional information to the City, the Applicant shall send the same in the same format, to the NPU-W Zoning Contact.

08-0-0297

A SUBSTITUTE ORDINANCE BY: ZONING COMMITTEE

Z-08-13

**AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA BY REZONING PROPERTY AT 760 CONFEDERATE AVENUE, AKA 766 CONFEDERATE AVENUE, FROM THE R-5/HD/BL (TWO FAMILY RESIDENTIAL / HISTORIC DISTRICT / BELTLINE OVERLAY DISTRICT) DISTRICT TO THE NC-7/HD/BL (GRANT PARK EXISTING TRADITIONAL NEIGHBORHOOD COMMERCIAL DISTRICT / HISTORIC DISTRICT / BELTLINE OVERLAY DISTRICT) DISTRICT; AND FOR OTHER PURPOSES.**

**WHEREAS**, property and business owners have requested to rezone certain properties in the Grant Park neighborhood to the Neighborhood Commercial designation; and

**WHEREAS**, the purpose and intent is to maintain a balance of uses to create a vibrant and sustainable commercial and residential areas in keeping with the regulations of the Neighborhood Commercial District ordinance; and

**WHEREAS**, the Neighborhood Commercial District ordinance allows the longstanding business and property owners within the district to accommodate the needs of the adjacent neighborhoods; and

**WHEREAS**, existing traditional neighborhood commercial properties should be preserved and rehabilitated, in lieu of demolition, to maintain the character of the area and to benefit existing adjacent residential areas; and

**WHEREAS**, the purpose and intent of this NC district is to preserve existing structures originally built for commercial use and allow for their continued operation and/or conversion back to neighborhood serving commercial uses; and

**WHEREAS**, the proposed application is in keeping with the purposes and intent of the Neighborhood Commercial District ordinance.

**WHEREAS**, the 1982 Zoning Ordinance and official zoning maps should be amended to include the proposed new designation.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:**

**Section 1: That the 1982 Zoning Ordinance of the City of Atlanta is hereby amended adding a new Chapter 32G. NC-7 Existing Traditional Neighborhood Commercial District, which shall read as follows:**

Chapter 32G. NC-7 Existing Traditional Neighborhood Commercial District

Section 16-32G.001. Scope of Provisions.

The regulations set forth in this Chapter, or set forth elsewhere in this part, when referred to in this Chapter, are the regulations for the NC-7 Existing Traditional Neighborhood Commercial District. The following NC-7 District regulations shall apply in addition to those of the general NC District regulations; except where said NC-7 District regulations conflict with the general NC regulations, said NC-7 regulations shall apply. Whenever the following regulations conflict with historic district regulations of Part 16, Chapter 20 the more stringent regulations shall apply with the exception of required yard setbacks in which case the specific NC District regulations shall apply.

#### Section 16-32G.002. Supplemental Procedures.

In addition to the special administrative permit (SAP) procedures specified in Sections 16-32.004 and 16-25.004, the applicant shall provide to the Director of the Bureau of Planning evidence that one (1) copy of the full SAP application has been provided to the appropriate Neighborhood Planning Unit (NPU) Zoning Contact or their designee for the purpose of notification prior to the date the special administrative permit is filed.

#### Section 16-32G.003. Specific Regulations.

The following regulations are specific to the NC-7 Existing Traditional Neighborhood Commercial District:

1. Prohibited Primary and Accessory Uses:
  - a. Automobile service stations including automobile maintenance and repair shops and car washes.
  - b. Barber shops, beauty shops, manicure shops and similar personal service establishments greater than five thousand (5,000) square feet.
  - c. Commercial recreation uses including bowling alleys, poolrooms, billiard parlors, amusement arcades and game rooms.
  - d. Eating and Drinking Establishments that receive an alcohol license as a nightclub establishment.
  - e. Grocery stores greater than fifteen thousand (15,000) square feet.
  - f. Hotels and motels.
  - g. Park-for-hire facilities.
  - h. Pawn shops.
  - i. Telecommunication switchboards, power generators and other telecommunications relay equipment and rooms or floors housing them.
  - j. Tattoo and body piercing establishments.
  - k. Other uses for the purpose of lottery sales, games of chance, or gambling.
2. Hours of Operation:
  - a. No use shall operate between the hours of 2:00 a.m. to 6:30 a.m.

- b. No use for purposes of commercial sales or service, including outdoor dining, shall be allowed to operate outside enclosed permanent structures between the hours of 11:00 p.m. to 6:30 a.m.
  - c. The collection of refuse or garbage shall not occur between the hours of 8:00 p.m. to 7:00 a.m.
- 3. Transitional yards and screening:
  - a. Where this district adjoins an R-1 through R-5, RG-1, RG-2, MR-1, MR-2, RLC or PD-H district without an intervening street and with an existing building or a structure which is to remain within twenty (20) feet of the adjacent residential districts described above: The transitional yard(s) required shall be no less than the minimum existing transitional yard provided unless granted a special exception by the Board of Zoning Adjustment. Such yard shall not be used for the purpose of providing either: new parking, new paving, new loading, new servicing or any other new activity with the exception of pedestrian walkways or trails. Such yards shall otherwise be planted as approved by the City Arborist and maintained as a landscaped strip.
  - b. Where this district adjoins an R-1 through R-5, RG-1, RG-2, MR-1, MR-2, RLC or PD-H district without an intervening street and does not contain an existing building or a structure within twenty (20) feet of the adjacent residential districts described above: a minimum of twenty (20) feet is required which shall not be used for the purpose of parking, paving, loading, servicing or any other activity with the exception of pedestrian walkways, trails, private alleys or drives up to ten (10) feet in width. Such yards shall otherwise be planted as approved by the City Arborist and maintained as a landscaped strip.
  - c. Screening: In addition to the above transitional yard requirements, opaque walls a minimum of six (6) feet in height shall be provided and maintained in a sightly condition.
- 4. *Special Administrative Permits.* In addition to the variations specified in Section 16-32. et al., The following administrative variations shall be permitted:
  - a. Street Tree requirements. Variations are subject to constraints such as overhead or underground utilities, topography, or for the preservation of existing trees greater than six (6) inches in caliper measured four and one-half (4.5) feet above the natural grade at the base.
  - b. Street furniture and tree planting zone: On-street parking may be placed in the street furniture zone, provided that street trees are installed in bulb-outs located at intervals within the area used for on-street parking, as approved by the Bureau of Planning.
  - c. Sidewalk and Supplemental Zone width requirements: In blocks where 50 percent or more of the buildings were built before 1950, width requirements may be reduced to match the existing building setbacks, as

- measured from the curb, of the nearest two adjacent buildings located on the same side of the street. Sidewalk and supplemental zone width requirements may also be varied subject to constraints related to existing topography or preservation of existing trees (as noted above).
- d. Outdoor dining within required sidewalk for new and pre-existing buildings: outdoor dining may encroach into the sidewalk clear zone provided all of the following criteria are met:
    - i. Shall have a minimum of four (4) feet width of unobstructed sidewalk area. In areas of congested pedestrian activity and or pedestrian safety concerns, the Director is authorized to require a wider pedestrian path, as circumstances dictate.
    - ii. No permanent structure or ornamentation shall be located within the area where encroachment is permitted.
    - iii. The outdoor dining area shall be visually delineated on the sidewalk with pavers (or similar treatment) and may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of thirty-six (36) inches including any plant material. Tables, chairs, umbrellas, and any other furniture shall not extend outside of the designated dining area.
    - iv. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this Chapter.
5. In addition to the requirements of Section 16-32.018 "Loading areas, loading dock entrances and building mechanical and accessory features":
- a. Dumpsters and bulk storage containers: shall be limited in height to seven (7) feet above finished grade and provide opaque walls a minimum of twelve (12) inches higher than said dumpster or storage container to provide screening so as not to be visible from any public right-of-way, park or plaza, outdoor dining area, or adjacent property. Chain link and similar fencing in combination with other screening elements shall not be allowed to satisfy said opaque wall screening requirement. In addition to the above screening requirements, dumpsters shall be located upon impervious materials.
  - b. Loading areas: shall be located upon impervious materials and shall be screened (from locations as described in 16-32G.004(a) above.) so as not to be visible from any public right-of-way, park or plaza, outdoor dining area, or adjacent property.
  - c. Building mechanical and accessory features not located on rooftops shall provide opaque landscaping or similar screening (from locations as described in 16-32G.004(a) above.) so as not to be visible from any public right-of-way, park or plaza, outdoor dining area, or adjacent property.
  - d. Exterior utility connections, with the exception of life safety connections, shall not to be visible from any public right-of-way, park or plaza, or outdoor dining area.

6. Bulk limitations: Residential floor area ratio (FAR) shall not exceed an amount equal to 0.696 times the gross lot area.
7. Maximum Building Height: In addition to requirements provided in Section 16-32.012(2), no structure shall exceed a height of fifty-two (52) feet at a distance of three hundred (300) feet or greater from the nearest single-family residential district.
8. In addition to the requirements of Section 16-32.020 "Curb cuts and parking structures", two curb cuts serving two one-way driveways shall only be counted as one curb cut.
9. Off-Street Parking Requirements: In addition to requirements provided in Section 16-32.023 "Minimum Parking Requirements", the following parking requirements shall supplant the requirements for the uses specified below in the Table.

<b>NC-7 EXISTING TRADITIONAL NEIGHBORHOOD COMMERCIAL DISTRICT: PARKING TABLE</b>	
<b>Permitted Use</b>	<b>Minimum Parking Requirement*</b>
Retail Establishments (including bakeries & catering establishments) Tailoring, custom dressmaking, millinery & similar establishments Sales and Repair Establishments	4.0 spaces per 1,000 sq. ft.
Eating and Drinking Establishments Outdoor Dining (if greater than 25% of the enclosed floor area; otherwise no minimum parking requirement)	3.0 spaces per 1,000 sq. ft. 3.0 spaces per 1,000 sq. ft.
Office	2.0 spaces per 1,000 sq. ft.
Dwellings and Lodgings	1.0 space per unit
All other non-residential uses and Accessory Uses, not otherwise identified in Section 16-32.023	2.0 spaces per 1,000 sq. ft.
Electric Vehicle Charging Requirements	None
*Minimum parking requirements may be reduced within the NC-7 district provided a shared parking arrangement subject to requirements of Section 16-32.023(3).	

10. Building Materials: No Exterior Insulation Finishing System (EIFS) shall be used that is visible from any public right-of-way, park or plaza, outdoor dining area, or adjacent property.

**Section 2: That the 1982 Zoning Ordinance Map of the City of Atlanta is hereby amended as shown on "Attachment A".**

